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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, BINH AN DUC	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/624,279	LIND ET AL.	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-6,9-14,16-21,23,26 and 27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-6,9-14,16-21,23,26 and 27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6/13/06
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Amendment filed April 10, 2006 has been received. According to the Amendment, claims 1, 5, and 21 have been amended; and new claims 26 and 27 have been added. Currently, claims 1, 2, 4-6, 9-14, 16-21, 23, 26, and 27 are pending in the application. Acknowledgment has been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 5 and 27, the limitation of "one or more (mechanical) player interface mounted on the gaming machine (or on the front side of the gaming machine) **in an area removed from the forwardly projection ledge**" is vague and indefinite since it is unclear exactly which area being removed from the projection ledge. For the purpose of examination, claim 5 is interpreted as at least one player interface device is located on the front side of the gaming machine on the forwardly projection ledge. And further, claim 27 is interpreted as one or more mechanical player interface devices mounted on the forwardly projection ledge of the gaming machine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-6, 9-14, 16-21, 23, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow et al. (2003/0064771) in view of Alcorn et al. (6,620,047).

Referring to claims 1, 4-6, 14, 16, 21, 23, 26, and 27, Morrow et al. teaches a gaming system and method (having means or steps thereto) comprising: a number of gaming machines (see Abstract, paragraphs 44-46), each gaming machine (10) including a respective game presentation arrangement having a game video display (50), a first additional video display (30) located above the game video display, any display could be a player control touch screen display (paragraph 22), a second additional video display (60) located below the video display, and a processing arrangement for controlling the game video display, first additional video display, second additional video display, and player control touch screen display, and wherein each of the game video display, first additional video display, second additional video display, and player control touch screen display extend substantially the entire width of a front side of the respective gaming machine (Figs.1, 2); and a game modification controller (from central server)(Fig.4)(paragraphs 27 and 44-46) in communication with each respective gaming machine, the game modification controller for selectively

communicating presentation switching instructions, *i.e., switching games, pay-tables, wager values, etc.* (paragraphs 44-46) to each respective gaming machine, the presentation switching instructions being executable at the respective gaming machine to cause the respective gaming machine to switch the content of the game video display, the first additional video display, the second additional video display, and the player control touch screen display in the operation of the respective gaming machine from content for a first game presentation to content for a second game presentation. Note that, Morrow et al. also teaches that all displays may include touch screen input from the user (user interface)(paragraph 22); and the game machine provides option for supporting at least five video displays (paragraph 21); and any content may be displayed on any of the screens (paragraph 22). **Note that, the amended limitation of the first additional video display extending substantially the entire width of a front side of the gaming machine (claims 1 and 21) is met by the teaching of Morrow et al.'s first additional video display (30) (Fig.1).**

Morrow et al. does not explicitly teach the limitations of a player control touch screen display located below the game video display and forming a ledge projecting from a plane of the game video display (claims 1, 6, 14, and 21); a series of four video displays located at a front side of the gaming machine in columnar fashion, and each respective video display extending across substantially the entire width of the front side of the gaming machine (claim 16); a mechanical player input device or player interface device locate on the forwardly projecting ledge (claims 4 and 26) or the front side of the game machine (claims 5 and 27). **Alcorn et al., however, teaches** a gaming system

teaches a player control panel having control buttons 40 located below the game video display and forming a ledge projecting from a plane of a game video display (Fig.1); and the control buttons could be touch screen button (4:16-17, Fig.3); further, since Alcorn et al. suggest the a slant-top player control interface can be used, it is obvious to utilize the slant-top video screen together with the mechanical player control devices mounted ledge (38). Referring to the feature of arranging the video displays, this is a design choice because orienting the displays differently within the gaming machine does not effect or bring unexpected results to the outcome of the game. It is also noted from the applicant's disclosure that the number of video displays of the invention could be reduced, i.e., **"although each video display shown in Figure 1 is indicated as being a single display, it will be appreciated that each video display 14, 15, 17, and 18 shown in Figure 1 may in fact be made up of two or more separate displays that combine to provide what appears to the user to be a single display"** (Specification, page 10, lines 18-21), this is similar to the integration of the player control buttons into video screen as disclosed by Alcorn et al. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the slant-top mechanical or digital control interface of Alcorn et al. to Morrows et al.'s electronic gaming system to enhance user interfaces in gaming machine.

Referring to claim 2, Morrow et al. teaches any content may be displayed on any of the screens (paragraph 22).

Referring to claims 9-13 and 17-20, Morrow et al. teaches a game presentation server with a presentation storage management for storing multiple sets of presentation

instructions, each set of presentation instructions being executable at a respective one of the gaming machines to define the video content of each respective video display on the respective gaming machine during the operation of the respective gaming machine (paragraph 46); the game modification controller is also for directing the transfer of a new set of presentation instructions from the game presentation server to a respective one of the gaming machines in connection with the presentation switching instructions communicated to the respective gaming machine (paragraphs 44-45); a gaming machine usage monitoring arrangement for monitoring the usage of at least a portion of the gaming machines and providing control inputs to the game modification controller based on the monitored usage (paragraphs 51-52); the game modification controller communicates presentation switching instructions to a respective gaming machine in response to a player input at the gaming machine (paragraphs 44-45); and at least one of the gaming machines includes a storage device storing a number of sets of presentation instructions, each set of presentation instructions being executable at the respective gaming machine to define the video content of the respective video displays on the respective gaming machine during the operation of the respective gaming machine (paragraphs 30-33).

Response to Arguments

Applicant's arguments filed April 10, 2006 have been fully considered but they are not persuasive.

Applicant's remarks, regarding the Telephone Interview of April 4, 2005, that the examiner indicated further search would be conducted regarding the placement of a touch screen display as required in the present claims, is respectfully disagreed. The examiner did not indicate further search would be conducted regarding the placement of a touch screen display as required in the present claims. The applicant is referred to the Interview Summary sent April 12, 2006.

In response to applicant's argument that the examiner's conclusion of obviousness, regarding claims 1, 2, 4-6, 9-14, 16-21, and 23, is based upon improper hindsight reasoning (applicant's remarks, page 11, line 8 to page 13, line 12), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, it is also noted from the applicant's disclosure that the number of video displays of the invention could be reduced, i.e., **"although each video display shown in Figure 1 is indicated as being a single display, it will be appreciated that each video display 14, 15, 17, and 18 shown in Figure 1 may in fact be made up of two or more separate displays that combine to provide what appears to the user to be a single display"** (Specification, page 10, lines 18-21), this is similar to the integration of the player control buttons into video screen as disclosed by Alcorn et al. (4:2-17; Figs. 2, 3).

In response to applicant's argument that the cited references of Morrrow et al. and Alcorn et al. do not teach the ledge mounted player control touch screen display or other display (applicant's remarks, page 13, line 9 to page 14, line 20), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, Morrow et al. teaches all limitations addressed above, including plurality of displays wherein any display could be a player control touch screen display (paragraph 22); and Alcorn et al. teaches player control buttons could be touch screen button on video display, or player mechanical control button placed on the slant-top (or projecting ledge), it would have been obvious to a person of ordinary skill in the art to provide or utilize a player touch screen controller in place of the player mechanical control buttons on the slant-top (or projection ledge) of the gaming machine to enhance user interfaces.

Further, Applicant's arguments regarding rearrangement of the video displays in the gaming machine not a design choice (Applicant's remarks, page 13, line 22 to page 14, line 8; and page 15) are not persuasive. In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.); In re Kuhle, 526 F.2d 553, 188 USPQ7 (CCPA 1975) (the particular placement of a

contact in a conductivity measuring device was held to be an obvious matter of design choice). (MPEP 2144.04, VI C). **In this case,** the rearrangement of the video display, including video touch screen display, is a design choice because orienting the displays differently within the gaming machine does not effect or bring unexpected results to the outcome or operation of the game, rather, it may change the appearance of the gaming machine.

Furthermore, applicant's argument regarding claim 16 (Applicant's remarks, page 15) is not persuasive. Morrow et al. teaches the gaming machine having at least five displays (paragraph 21); and also suggested one skilled in the art may use any number of screens, and any content may be displayed on any of the screens (paragraph 22). Morrow et al. further discloses a gaming machine embodiment which has three displays, all three viewing areas are part of the game play (paragraph 23). Therefore, the teaching of Morrow et al. in view of the design choice reasoning above, would make obvious applicant's claim 16.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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